

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

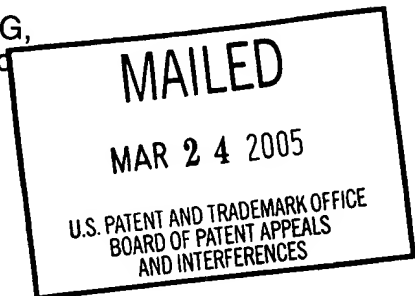
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte A.K. GUNNAR ABERG,
JOHN R. McCULLOUGH, and
EMIL R. SMITH

Appeal No. 2005-0594
Application 09/039,260

ORDER DISMISSING APPEAL



Before HARKCOM, Acting Chief Administrative Patent Judge, and
WILLIAM F. SMITH and NASE, Administrative Patent Judges.

Per curiam.

On March 14, 2005, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."


Accordingly, the appeal in this application is dismissed.

Appeal No. 2005-0594
Application 09/039,260

The application is being returned to the examiner for further action as may be appropriate.


Gary V. Harkcom, Acting Chief
Administrative Patent Judge


William F. Smith
Administrative Patent Judge


Jeffrey V. Nase
Administrative Patent Judge

) BOARD OF PATENT
) APPEAL
) INTERFERENCES
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